

REMARKS

By this Amendment, claim 1 and 8 are amended to clarify the recited subject matter by returning to the previously recited scope. Claims 1-19 are pending.

Applicant acknowledges the indication of claims 4, 9-12 and 19 as including allowable subject matter. However, claims 1, 3, 5-8, 13 and 15-16 were rejected under 35 U.S.C. 102(e) as being anticipated by Barzegar et al. (U.S. 5,894,478; hereafter "Barzegar") and claims 14 and 17 were rejected under 35 U.S.C. 103(a) as being obvious from Barzegar and Tso et al. (U.S. 6,185,625; hereafter "Tso").

Applicant traverses the rejections because the cited prior art, analyzed individually or in combination, fail to teach or suggest the claimed invention wherein the terminals of the mobile communications system are classified into at least two different classes on the basis of at least one predetermined criterion, wherein the at least one predetermined criterion includes a criterion determined on the basis of the content of a message from a respective terminal among the terminals; and the protocol to be used towards the terminal is selected on the basis of the class of the terminal in question.

The Office Action asserted that Barzegar teaches classifying the terminals into different classes ... based on the content of a message from a terminal. However, Barzegar, e.g., Fig. 4, and col. 5, lines 3-23, clearly teaches that the data transmission discussed is that initiated by a fixed device towards a mobile (wireless) device, see item 401 is "CDPD network and link layer". Therefore, item 401 does not correspond to "content of a message from a respective terminal" as recited in the rejected claims. Further, the claims clearly indicate that the terminals are terminals of a mobile communication system, as opposed to the fixed devices as in Barzegar. Moreover, in Fig. 2, items 203 and 207-208 are different networks. Thus, they are not equivalent to the different terminals referred to in the pending claims.

Further, although Barzegar, at col. 3, lines 17-20, states that "the network gateways 205, 206 convert information from the protocols used by the fixed network, such as the PSTN, to protocols used by the wireless networks 203, 207, 208 which carry wireless transmissions to and from the wireless communications device," that passage merely discusses protocol conversion in general. However, that passage fails to teach or suggest selection of a protocol towards a terminal based on its class which, in turn, is selected based on the content of a message sent by the terminal.

The Office Action further asserted that the claimed selection of the protocol to be used towards the terminal based on its class is taught by col. 3, lines 46-55 of Barzegar. However, that passage merely discloses performing an act (updating a routing table) based on a determination of which network a data message comes from. Nevertheless, that updating is not equivalent to the claimed selection of the protocol to be used towards the terminal. Moreover, assuming, for arguments sake, that updating of the routing table was considered equivalent to the claimed selection, any action in Barzegar is based on a data message from one of several networks (i.e., a downlink message) as opposed to selection of a protocol towards the terminal based on its class, which in turn is determined based on the content of a message (i.e., an uplink message) sent by the terminal.

Tso fails to remedy the deficiencies of Barzegar because Tso merely teaches generally on the subject of wireless devices connected to the Internet.

Accordingly, Applicant submits that the cited prior art, analyzed individually or in combination, fail to teach or suggest the claimed invention wherein the terminals of the mobile communications system are classified into at least two different classes on the basis of at least one predetermined criterion, wherein the at least one predetermined criterion includes a criterion determined on the basis of the content of a message from a respective terminal among the terminals; and the protocol to be used towards the terminal is selected on the basis of the class of the terminal in question. Therefore, independent claims 1 and 8 and their respective dependent claims are patentable over the cited prior art.

All objections having been addressed, Applicant requests that a Notice of Allowance indicating the allowability of all pending claims be issued as soon as conveniently possible. However, if anything further is necessary to place the application in condition for immediate allowance, Applicant requests that the Examiner telephone Applicant's undersigned representative.

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Respectfully submitted,

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